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Chair: Mr. Gunnarsson ..... (Iceland)
later: Ms. Al-Temimi (Vice-Chair) ..... (Qatar)

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The meeting was called to order at 10.05 a.m.

Agenda item 69: Rights of indigenous peoples

(a) Rights of indigenous peoples (A/72/186)

(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples

1. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples), introducing her report to the General Assembly (A/72/186), said that it examined implementation of the United Nations Declaration on the Rights of Indigenous Peoples in the 10 years since its adoption. On a positive note, the four States that had voted against it had since expressed explicit support. Constitutions had been revised to incorporate its provisions; national laws had been instituted to give effect to it, and national policies had been adopted that applied an indigenous rights-based approach. The Declaration had been cited as a source of law not only by national courts of highest instance, but also by regional human rights mechanisms. Furthermore, several decisions adopted by the Conferences of the Parties to the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change explicitly referred to the standards established in it, and the 2030 Agenda for Sustainable Development set targets and indicators relevant to indigenous peoples. It had also helped to galvanize indigenous peoples' movements at the national, regional and global levels.

2. However, overall, legislative progress had been weak. Some States still did not recognize indigenous peoples as such. Furthermore, while more countries were adopting laws on the rights of indigenous peoples, they generally did not revise other legislation, including harmful laws on investment and extractive activities. In addition, States often did not — and in some cases could not — enforce their own laws or the decisions of regional human rights or national courts on indigenous rights issues. Moreover, some key actors continued to disagree about how indigenous rights should be applied, especially in cases involving competing rights and interests.

3. It was also important to have adequate public policies, adopted in consultation with indigenous peoples, as well as adequate data and progress indicators. Exclusion of indigenous peoples from the design and implementation of policies affecting them was a racist colonial legacy. States had a duty to obtain the free, prior and informed consent of indigenous peoples before adopting measures affecting them.

4. Indigenous peoples continued to be dispossessed of their traditional lands and resources and forcibly displaced by infrastructure, agribusiness and extractive projects, as well as conservation and climate change measures. Furthermore, growing numbers of indigenous leaders and community members were being threatened, arrested, prosecuted and even murdered. Much more determination and resources were needed to prevent and punish such violations, which she would address in a thematic report in 2018.

5. Turning to her thematic study on the impacts of climate change and climate finance on indigenous peoples' rights (A/HRC/36/46) she said that even though indigenous peoples were among those who had least contributed to climate change, they were among the hardest hit, because many depended on ecosystems that were particularly sensitive to its effects. A disproportionate number of indigenous peoples were already among those living in extreme poverty, and climate change would only make matters worse.

6. Because of their close relationship with nature, indigenous peoples were repositories of knowledge on how to adapt to a changing climate. They also played a fundamental role in conserving biological diversity and protecting forests and other natural resources. States had obligations to protect rights holders against foreseeable environmental impairment of human rights and had specifically committed to international cooperation to protect human rights. Furthermore, decisions taken by the Conference of Parties to the United Nations Framework Convention on Climate Change and the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement explicitly recognized the rights of indigenous peoples.

7. Funding for climate change mitigation and adaptation could reinforce the adaption efforts of indigenous peoples or undermine their rights, as in the case of hydroelectric dams. Projects in indigenous territories should be agreed by the indigenous peoples concerned and should be designed and implemented in a participatory manner. While indigenous communities and organizations had sought access to climate finance, there was no reliable data on how much they had received, and the complex processes involved in preparing funding proposals and obtaining accreditation as project executing entities remained barriers to access. On a positive note, in July, the Green Climate Fund had published a draft indigenous peoples policy aimed at ensuring that its activities benefited indigenous communities rather than harming them.

8. In February 2017, she had conducted an official visit to the United States of America to assess the impact of extractive energy projects on Indian tribes. In her end-of-mission statement, she had expressed concern over the lack of meaningful consultation with indigenous peoples. At a minimum, federal, state and local government should ensure the meaningful engagement and effective participation of tribal governments in assessing and reviewing extractive industry projects, and they should also adopt consistent practices for consulting with tribes. In addition, the United States should take steps to ensure compliance with the Guiding Principles on Business and Human Rights in dealings with indigenous peoples.

9. In March, she had conducted a visit to Australia. While the Government had adopted numerous policies to address the socioeconomic disadvantages of Aboriginal and Torres Strait Islanders, those policies failed to respect their rights to self-determination and to full and effective participation. Targets had not been met in the areas of health, education and employment, and incarceration and child removal rates among Aboriginal and Torres Strait Islanders had continued to rise. At one youth detention centre, Aboriginal and Torres Strait Islander children had accounted for 95 per cent of detainees, even though indigenous people constituted only 3 per cent of the total population, raising serious concerns about institutional racism. Among her recommendations, she had urged the Government to adopt a justice policy and to target and fund measures to reduce indigenous incarceration rates.

10. In November, she would be conducting an official visit to Mexico. She thanked the other Latin American countries that had invited her and expressed the hope that countries in Asia and Africa would do the same.

11. With respect to other activities, she had travelled to Honduras in April to observe developments on a Honduran draft law implementing the right to consultation and to free, prior, informed consent, and she had helped to develop practical recommendations for strengthening the protection of the rights of indigenous peoples in voluntary isolation in the Amazon at a June working meeting in Peru.

12. **Mr. Duque Estrada Meyer** (Brazil), noting the close relationship between the rights to consultation and consent and the right to development, said that he would appreciate the Special Rapporteur's views on how to achieve development for all while reconciling different indigenous concepts of development with those of non-indigenous persons. He would also be interested in her views on indigenous indicators.

13. **Ms. Wacker** (Observer for the European Union) said that there had been little progress on implementing the Declaration. The most urgent issues were access to justice, absence of meaningful consultation and participation and increasing threats and violence against indigenous human rights defenders, especially environmental rights defenders. The European Union was firmly committed to the defence of indigenous human rights defenders. It would continue to engage with indigenous peoples and Member States through indigenous mechanisms and the Human Rights Council and would promote the implementation of General Assembly resolution 71/321 on enhancing the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them (A/RES/71/32).

14. She asked the Special Rapporteur to elaborate on specific measures to promote the effective participation of indigenous representatives in decision-making, especially with respect to decisions related to the 2030 Agenda.

15. **Mr. Ríos Sánchez** (Mexico) asked what steps should be taken to ensure that indigenous peoples could keep their traditional livelihoods and economic practices. He would also appreciate information on the challenges facing indigenous peoples in urban environments.

16. **Mr. Bastida** (Spain) said that his Government was particularly concerned about the inadequacy of many mechanisms for ensuring the indigenous participation in the policy-making, decision-making and implementation phases of projects that affected them. It had recently approved a national action plan on business and human rights, which referred specifically to the Declaration and the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO). The Special Rapporteur had recommended requiring publically available assessments of the impact of business activities on indigenous populations. He wondered whether, in her opinion, national strategies such as the Spanish action plan were effective instruments for working towards implementation of the ILO Convention and her recommendation.

17. **Ms. Birštunaitė** (Lithuania) said that her delegation was particularly concerned about the use of antiterrorist legislation to threaten members of indigenous communities or ban the activities of their representative bodies, as in the case of the Crimean Tatar Mejlis. She would like to know what the international community could do to promote a harmonized approach to the Declaration within the

United Nations system and with other international bodies.

18. **Mr. Overskott** (Norway) said that much more must be done to enforce indigenous peoples' rights. Norway was very concerned about the apparent increase in violence against indigenous defenders of economic and social rights, including rights to lands, territories and natural resources. He would like to know what individual States and the United Nations system could do to protect the rights to life and security of indigenous human rights defenders.

19. **Ms. Morton** (Australia) said that her Government appreciated the Special Rapporteur's recognition of its extensive efforts and would continue to give careful consideration to her recommendations. It remained committed to promoting and protecting the human rights of indigenous peoples though domestic policies and programmes and through international aid. Aboriginal and Torres Strait Islander peoples were increasingly included in state and federal decision-making at all levels, and Australia would maintain its contribution to the United Nations Voluntary Fund for Indigenous Populations in order to promote the participation of indigenous peoples in the United Nations system. She asked how the participation of indigenous peoples could be strengthened at the international level.

20. **Mr. Visonnavong** (Lao People's Democratic Republic) said that the reference to his country in the Special Rapporteur's report to the General Assembly was inappropriate. The Nam Theun 2 hydroelectric dam mentioned in the cited reports (A/HRC/9/9/Add.1 and A/HRC/12/34/Add.1) had been developed and completed with great attention to social and environmental issues, and the Lao Hmong returning from Thailand had been provided with shelter, farmland and initial assistance. The almost 50 ethnic groups in his country had lived side by side since time immemorial, and none were recognized as indigenous peoples. An ethnic group was not the same as an indigenous people.

21. **Ms. Diedricks** (South Africa) asked the Special Rapporteur to elaborate on measures that could be adopted to protect the life and security of indigenous peoples exercising or defending their rights. She would also appreciate her views on General Assembly resolution 71/321.

22. **Ms. Harris-Harb** (Canada), noting the need for priority attention to indigenous lands and resources, said that her Government had recently established a new federal department to improve support for indigenous peoples as they assumed autonomy over their own affairs. Her delegation would be interested in hearing about best practices for supporting indigenous human rights defenders and about any specific challenges faced by women indigenous defenders.

23. **Mr. Yaramenko** (Ukraine) said that his Government had invited the Special Rapporteur to conduct a fact-finding mission in Russian-occupied Crimea, where the Crimean Tatars were regularly subjected to a wide range of human rights violations.

24. **Mr. Copero** (Cuba) asked what key factors States should take into account when developing practical measures to support the development priorities of indigenous peoples.

25. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples) said that the 2030 Agenda for Sustainable Development gave States a very good framework for addressing the issues of indigenous peoples. Indeed, the 2017 Ministerial Declaration of the High-level Political Forum referred specifically to them.

26. Public policies should be developed to address a number of issues raised by the delegations. In regard to the preservation of traditional economies, States should have a policy of reviewing existing laws for provisions that discriminated against indigenous peoples or interfered with traditional economies. They should also take steps to make their education systems more sensitive to the history, world views and traditional knowledge of indigenous peoples. Indigenous traditional knowledge had helped to save many of the world's remaining rainforests and could contribute much to climate mitigation and adaptation efforts. The Paris Agreement, which recognized the value of indigenous peoples' knowledge and practices, also called for the development of a traditional knowledge exchange platform, which was currently under way.

27. Referring to Mexico City's new charter, which incorporated the rights set out in the Declaration, she said that cities with large indigenous populations should consider taking similar steps. Indigenous persons in urban centres were generally poor because they had no recognized rights or lands in those communities. There should be public policies recognizing their existence, as well as measures to assist them. Although Brazil and Honduras had set up conditional cash transfer schemes for indigenous populations, they should make those schemes more indigenous-sensitive, and both urban and rural indigenous communities should play a more active role in their design.

28. Spain had done well to address indigenous rights in its national action plan on business and human rights, and she encouraged other countries to follow its example. Unless the State spelled out the obligations of business enterprises to indigenous peoples, the same rights violations would occur again and again. Moreover, companies preferred to deal with clear legal requirements.

29. There should indeed be a coherent approach to indigenous rights across the United Nations system. While she understood the need to avoid offending the host country, all United Nations bodies were required to respect and implement the provisions of the Declaration, and they certainly should not see indigenous peoples as obstacles to development. In her opinion, indigenous peoples were not opposed to development. They simply wanted to be involved in decisions on development in their territories and to share in the benefits.

30. The United Nations Voluntary Fund for Indigenous Peoples was the best mechanism for strengthening the participation of indigenous peoples at the international level. Although originally limited to support for participation in the Working Group on Indigenous Populations, it had subsequently been expanded to include the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and relevant sessions of the Human Rights Council and human rights treaty bodies.

31. She had discussed violence against indigenous women in her first report to the Human Rights Council (A/HRC/30/41), and she was working closely with other special rapporteurs on that issue. Othe. major issues facing indigenous women were exclusion from decision-making structures and discrimination in education and health care.

32. In her next report, she would look at the issue of the criminalization of indigenous persons under the pretext of national security or anti-terrorism. The number of the indigenous human rights defenders killed each year was hugely disproportionate to the number of indigenous people in the global population. Steps must be taken to give indigenous people access to justice. Many could not afford to travel to court, let alone hire a lawyer.

33. **Ms. Young** (Belize) speaking on behalf of the Caribbean Community (CARICOM), said that the CARICOM countries would continue to identify and address barriers to the full implementation of the Declaration. They had instituted processes guaranteeing consultation with indigenous peoples, as well as legislation protecting indigenous cultures, institutions and legal systems. Indigenous peoples had equal representation in governance and decision-making where their interests were at stake. They enjoyed the same rights and privileges as other citizens and had themselves taken the initiative to engage with governments at every level. The CARICOM countries understood that much could be learned from indigenous peoples and continued to promote and incorporate indigenous initiatives in their agricultural, fisheries and tourism sectors. While progress was not as swift as they would like, they had established a foundation on which to build.

34. They welcomed the initiative to promote the effective participation of indigenous peoples within the United Nations system, as well as the decision to make 2019 the International Year of Indigenous Languages. In closing, they appealed to governments and donors to increase their funding for the Permanent Forum on Indigenous Issues, which not only worked diligently and successfully to strengthen support for the Declaration but also conducted valuable monitoring and reporting activities.

35. **Mr. Sandoval Mendiolea** (Mexico), speaking on behalf of the Group of Friends of Indigenous Peoples, said that, as the victims of colonialism, racism and other forms of discrimination, indigenous peoples were being left behind in developed and developing countries alike. The Member States must uphold their rights to contribute to and benefit from sustainable development.

36. In that respect, there had been a number of positive developments. In March 2017, the Commission on the Status of Women had urged States to take measures to promote the economic empowerment of indigenous women, and at the high-level event to mark the tenth anniversary of the adoption of the Declaration, many participating States had made concrete commitments to achieve its ends. Furthermore, after two years of intense dialogue among States and between States and indigenous peoples, the General Assembly had adopted resolution 71/321 on enhancing the participation of indigenous s peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.

37. **Ms. Sorto Rosales** (El Salvador) speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that CELAC reaffirmed its commitment to the implementation of the outcome document of the World Conference on Indigenous Peoples and welcomed Human Rights Council resolutions 33/25 and 33/12 amending the

mandate of the Expert Mechanism on the Rights of Indigenous Peoples and extending the mandate of the Special Rapporteur on the Rights of Indigenous Peoples. It acknowledged the adoption of General Assembly resolution 71/321 on enhancing the participation of indigenous peoples in relevant United Nations meetings and encouraged the Permanent Forum, the Expert Mechanism and the Special Rapporteur to continue to address that issue. It commended the agreed conclusion of the sixty-first session of the Commission on the Status of Women (E/2017/27-E/CN.6/2017/21) urging measures to promote the economic empowerment of indigenous women, as well as the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples (E/C.19/2016/5) adopted by the Permanent Forum. It also wished to highlight the recent high-level event commemorating the tenth anniversary of the Declaration.

38. The CELAC countries welcomed the decision to declare 2019 the International Year of Indigenous Languages and committed themselves to implementing programmes for the recovery, conservation, development, learning and dissemination of indigenous languages. They reaffirmed the rights recognized in articles 13 and 31 of the Declaration and recognized that traditional knowledge, innovations and practices of indigenous peoples could support social well-being and sustainable livelihoods. To be sustainable, development must embrace the indigenous peoples, who needed equity, social and financial inclusion and access to fair credit.

39. The CELAC countries had agreed to emphasize the traditional practices of indigenous peoples in the integrated management of agriculture. They recognized the importance of including indigenous best practices in their climate change mitigation and adaptation efforts. They also stressed the importance of empowering women and youth to participate fully and effectively in decisions affecting them, and of promoting awareness and understanding of their rights.

40. **Mr. Hattrem** (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that they strongly supported the United Nations Declaration on the Rights of Indigenous Peoples, including its emphasis on the right to self-government and participation. In their regions, those key principles were embodied in the Sami Parliaments of Finland, Norway and Sweden and the self-governing authorities of Greenland. To strengthen indigenous autonomy, Finland, Norway and Sweden had recently submitted a draft Nordic Sami convention to the three Sami Parliaments for consideration.

41. The Nordic countries urged the United Nations bodies referred to in General Assembly resolution 71/321 to redouble their efforts to enhance the participation of indigenous peoples' representatives on issues affecting them and welcomed the decision to consider further measures for enhancing such participation at the seventy-fifth session of the General Assembly. They looked forward to continued cooperation with the President of the General Assembly and the Secretary-General on that issue.

42. The Nordic countries called on all States to protect indigenous human rights defenders from threats and violence, whether by State or non-State actors. They also urged the States to address the causes and consequences of gender-based violence against indigenous women and girls and to hold the perpetrators accountable.

43. **Ms. Wacker** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; and, in addition, Armenia, the Republic of Moldova and Ukraine, said that the European Union had marked the tenth anniversary of the adoption of the Declaration by co-sponsoring a recent side event on the rights of indigenous peoples in the context of the 2030 Agenda. More importantly, it had adopted Council conclusions on indigenous peoples for the first time in 15 years.

44. In its conclusions, the Council of the European Union had noted that, while the European Union had helped to advance the rights of indigenous peoples through its human rights policies, development policy and financing instruments, it could do better within the existing policy framework. It had stressed the importance of addressing discrimination and inequalities as well as threats and violence in the context of land and natural resources. Those priorities would be reflected in the programming of future financing instruments.

45. The Council had also underscored the importance of increasing opportunities for dialogue and consultation with indigenous peoples at all levels of cooperation, in order to secure their full participation and free, prior and informed consent. Dialogue was also important to ensure that commitments under the Declaration and the outcome document of the World Conference on Indigenous Peoples were taken into account in the formulation and implementation of new policies, such as the European Consensus on Development.

46. The Council's emphasis on consultation arose out of an ongoing commitment, reflected in her delegation's active participation in the negotiations leading to the adoption of General Assembly resolution 71/321. The resolution outlined a robust process of regional consultation and interactive hearings that should boost support for consensual agreement on further measures at the seventy-fifth session of the General Assembly.

47. The Human Rights Council had decided to dedicate part of its thirty-ninth session to a discussion of indigenous participation in the formulation and implementation of sustainable development strategies. Her delegation looked forward to the evolution of the work of the Expert Mechanism work following the amendment of its mandate. It also attached great value to the work of the Special Rapporteur.

48. *Ms. Al-Temimi, Vice Chair (Qatar) took the Chair.*

49. **Ms. Nunoshiba** (Japan) said that the Ainu, an indigenous people with a unique language and a distinct religion and culture, lived in the northern part of the Japanese Archipelago, mainly on the island of Hokkaido. To improve their standard of living, the Government gave financial support to local governments for educational assistance, employment assistance and other programmes, including measures to modernize agriculture and fisheries and promote small industries. It also provided support for cultural revitalization, including Ainu language instruction, traditional ceremonies and handicrafts. To promote an understanding of Ainu history and culture, it was developing the "Symbolic Space for Ethnic Harmony", a national museum and park on Hokkaido that was slated to open in 2020.

50. In accordance with the principles of its development cooperation charter, Japan had contributed to projects to improve the living standards of indigenous peoples in several countries. It appreciated the constructive and open consultations with indigenous peoples leading to the adoption of General Assembly resolution 71/321 and welcomed the resolution itself.

51. **Ms. Sorto Rosales** (El Salvador) said that, in recognition of the ancestors and national identity of the Salvadorian people, El Salvador had adopted a constitutional amendment recognizing the indigenous peoples and the need to maintain and develop their ethnic and cultural identity, world view, values and spirituality. The amendment was backed by a general law on culture providing for, inter alia, the promotion and strengthening of indigenous cultures; a law devoted specifically to that subject and a law on the protection and development of the handicraft sector. Through numerous mechanisms for dialogue between national ministries and indigenous peoples, her Government had worked with the indigenous peoples on many matters affecting them, including the development of the national action plan on indigenous peoples.

52. **Mr. Fausto González** (Mexico), speaking as a youth delegate, said that his country's identity was rooted in indigenous culture. Mexico had played a central role in negotiating the United Nations Declaration on the Rights of Indigenous Peoples, and it had worked since its adoption to raise awareness of those rights and implement them. In accordance with the Declaration, his Government had established mechanisms for consulting with indigenous peoples on preserving linguistic diversity and traditional knowledge, protecting indigenous lands and territories, combating climate change and encouraging the economic, social and political participation of indigenous women.

53. In September, his delegation had joined in adopting General Assembly resolution 71/321, which, while it contained important provisions, had fallen far short of expectations. It was unfortunate, for example, that it did not establish a new category for the participation of indigenous peoples in sessions of the General Assembly. However, his delegation remained confident that the matter would be reconsidered in the light of lessons learned.

54. Mexico continued to support the work of the Special Rapporteur, the Permanent Forum and the Expert Mechanism. It was working to eradicate violence against women, including indigenous women, and had been instrumental in the decision of the Commission on the Status of Women to focus on the empowerment of indigenous women at its most recent session.

55. **Mr. Tenya Hasegawa** (Peru) said that Peru had participated actively in the negotiation of the United Nations and American Declarations on the Rights of Indigenous Peoples, and it promoted and guaranteed social equality and respect for the rights of indigenous peoples in accordance with the relevant international instruments. Peru had been the first State in the region to adopt a law on the right of indigenous peoples to prior consultation, which was the product of lengthy concertation among indigenous, civil society and government bodies. To date, her country had held in more than 30 consultations on projects in areas such as oil and gas production, mining and infrastructure development.

56. Peru was also one of the first countries in the region to have established a policy on the protection of indigenous peoples in isolation and in initial contact, and it had a national policy on original languages, oral tradition and interculturalism. It also operated a fleet of special vessels delivering basic services to indigenous peoples in remote areas of the Amazon. Furthermore, on 22 October, it would be conducting a national census of indigenous populations, housing and communities in order to obtain data for public policies.

57. At the regional level, Peru had established a committee to provide support for the Peruvian member of the Permanent Forum on Indigenous Issues, and in August it had hosted an intersessional meeting of the Forum to evaluate progress and provide recommendations on strengthening its work in the region. In the context of the General Assembly, his delegation supported the intent of resolution 71/321 and would work towards a stronger future resolution.

58. **Mr. Morales López** (Colombia) said that, in application of the Colombian Constitution, indigenous communities had recently been authorized to administer their own health, education, drinking water and basic sanitation systems, and 22 communities had already taken charge of education services. Judicial mechanisms had also been established to provide protection and security in indigenous territories. The fundamental rights of vulnerable populations such as indigenous peoples were addressed in the peace agreement, which had been written with a view to the country's ethnic and cultural diversity and the needs of those populations, who had borne the brunt of the conflict.

59. His Government recognized the vulnerability of various ethnic populations. As a result of safeguard plans developed and implemented in concertation with the relevant indigenous authorities, steps had been taken to strengthen governments and organizational structures, as well as to protect indigenous territories and leaders.

60. Colombia was the first country in the region to develop participatory protection mechanisms for peoples in voluntary isolation, and it held consultations with neighbouring indigenous authorities and organizations prior to any legislative measures. It also had an outreach programme that organized periodic departmental meetings and facilitated technical cooperation.

61. **Mr. Duque Estrada Meyer** (Brazil) said that his country, which criminalized racism at the constitutional level, was guided not only by the Declaration but also by customary international law on racism, and it welcomed the clarifying jurisprudence of the Committee on the Elimination of Racial Discrimination. With more than 300 indigenous peoples speaking almost as many languages, Brazil supported the proclamation of the International Year of Indigenous Languages. It appreciated the efforts of the United Nations Educational, Scientific and Cultural Organization to consult indigenous peoples on its implementation and hoped that it would also work closely with the States. As a country whose identity was based on indigenous culture, it was eager to learn from innovative policies applied elsewhere and to offer its own best practices.

62. His delegation had engaged actively and constructively in the discussions on indigenous participation in meetings of United Nations bodies, which had set the stage for a consensus solution during the seventy-fifth session of the General Assembly. To move forward, it was essential to support the regional consultations, which would provide legitimacy to the negotiation process.

63. **Mr. Ishaya Odisho** (Iraq) said that his Government had incorporated the principles set forth in international human rights instruments, including the Universal Declaration of Human Rights, in the country's Constitution, which stipulated, inter alia, that Iraqis were equal before the law, without discrimination on the basis of gender, race, ethnicity, nationality, origin, colour, religion, sect, belief, opinion, or economic or social status. His Government commended the adoption of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (A/RES/69/2), which had underscored the international community's firm resolve to uphold the rights of indigenous peoples worldwide, and warmly welcomed the fact that a number of bodies and mechanisms had been established in the previous two decades to achieve that objective, including the Permanent Forum on Indigenous Issues. He reaffirmed his country's unwavering position that all people, regardless of their origin or social status, were entitled to live in dignity, and underscored that that objective had been incorporated into the Sustainable Development Goals.

64. **Ms. Likina** (Russian Federation), noting that the rights of Russian indigenous peoples were protected at the constitutional and legislative levels, said that her Government was implementing those rights through plans and programmes addressing economic, social and cultural issues. It had set up mechanisms to engage indigenous peoples in decision-making and was developing various consultative and coordinating

mechanisms as well. In addition, indigenous rights ombudsmen monitored the enforcement of legislation protecting the numerically small indigenous peoples, attended conferences organized by local self-government bodies and addressed issues of concern to those peoples.

65. Achieving the ends of the Declaration required the dissemination of knowledge and exchange of best practices, such as the use of indigenous rights ombudsmen. It also required additional capacity-building by specialized United Nations agencies, the Permanent Forum, the Expert Mechanism and the Special Rapporteur, which would only be possible with the support of Member States. In regard to the Expert Mechanism, the Russian Federation had hosted an intersessional meeting in March at its request.

66. The well-being and future of indigenous peoples depended on well-thought-out policies for promoting their economic and political rights, including measures to build human capacity, strengthen traditional livelihoods and conserve the environment.

67. **Ms. Shikongo** (Namibia) said that her country was an active participant in the Permanent Forum on Indigenous Issues. Its past history of ethnic segregation and racial discrimination had created stark inequalities among communities, some of which were severely marginalized. Because those communities had some of the highest illiteracy rates, Namibia had improved access to education by building schools and early childhood education centres or, in the case of nomadic communities, by providing mobile schools. All schools had a feeding programme, which helped to increase enrolment and retention. The Government was also committed to providing adequate health care, water and sanitation. It supported subsistence farmers in marginalized communities by supplying livestock, farming equipment and technical support. It also provided food rations and, for those who qualified, basic income grants. Her Government welcomed the ongoing technical support of the United Nations Department of Economic and Social Affairs for developing formal policy guidelines on applying human rights instruments to the marginalized communities.

68. **Ms. Sandoval** (Nicaragua) said that her delegation welcomed the adoption of General Assembly resolution 71/321, which recognized the importance of indigenous participation in relevant United Nations meetings and the need for further attention to that issue. Her country's Constitution established the right of the indigenous communities to communal property, as well as their right to enjoy and benefit from their natural resources and to elect their traditional governments. Since 2007, Nicaragua had made tremendous progress in implementing those and other rights. Noting that almost one third of Nicaragua was held communally by indigenous and Afrodescendent communities, she said that, in the past 10 years, all applications for title to communal property had been processed. The indigenous and Afrodescendent communities were working to restore and increase food production capacity, and more had access to safe water and sanitation. Progress had also been made on electrification and highway infrastructure. Health care had been improved by applying indigenous knowledge, and 70 per cent of children in community schools received bilingual instruction.

69. **Mr. Copero** (Cuba) said that while some progress had been made since the adoption of the Declaration, many indigenous communities continued to suffer violence, racism, marginalization, land grabbing and extreme poverty. In view of the right of indigenous peoples to preserve their own institutions and spiritual practices, Cuba reiterated its support for the right of the Plurinational State of Bolivia to defend and protect the chewing of coca leaves as a tradition of its indigenous peoples. It also supported efforts to harmonize protected area conservation policies with respect for the ancestral values of indigenous peoples. Lastly, it reiterated the need for measures to prevent the for-profit use of traditional knowledge without equitable and adequate remuneration.

70. **Mr. Skinner-Klée** (Guatemala) said that his country had been the first to evaluate its compliance with the United Nations Declaration on the Rights of Indigenous Peoples. It recognized the rights of indigenous peoples in its Constitution and laws, including the national language law and the framework law on the peace agreements, which included an agreement on the identity and rights of indigenous peoples that formed the cornerstone of its indigenous agenda.

71. In July, his Government had released an operations guide for consultation with indigenous peoples in the context of the Indigenous and Tribal Peoples Convention, 1989 (No. 169). It was also taking steps to improve culturally relevant health services for indigenous populations. It emphasized the inclusion of indigenous rights in land use planning, operational plans, strategic guidelines and public investment policies, and its cultural, sports and recreation policies aimed to reinforce the multi-ethnic, multicultural and multilingual nature of Guatemalan society. Despite financial constraints, it was preparing a census in order

to obtain disaggregated data on the indigenous population.

72. It was essential for the Permanent Forum, the Expert Mechanism and the Special Rapporteur to coordinate their efforts in order to increase the impact of their mandates.

73. **Mr. Mamani Paco** (Plurinational State of Bolivia) said that even though they represented 60 per cent of the population, indigenous peoples had historically been excluded from institutions and political life in his country. In 2009, with the election of its first indigenous president and promulgation of a new constitution, it had become a State of many nations founded on multiculturalism and respect for the rights of indigenous peoples. As a part of the government structure, indigenous institutions were systematically consulted, with due respect for indigenous traditional knowledge, languages, rituals, symbols and attire. Bolivian law recognized the traditional indigenous governments, prohibited discrimination on the basis of cultural and ethnic identity and provided for multicultural education in Spanish and either Ayamara, Quechua, Guaraní or Cavineño. It also sought to promote comprehensive development in harmony with nature and recognized the traditional legal systems.

74. The Plurinational State of Bolivia was the only country to have ratified the Declaration by law. It would continue dismantling old colonial practices while working to promote the full realization of the rights of all of the world's indigenous peoples.

75. **Ms. Cranfield** (Canada) said that her Government was committed to advancing the rights of the Canadian indigenous peoples through a renewed relationship based on recognition, rights, respect, cooperation and partnership. It was working closely with them to improve its understanding of their priorities and their vision for self-determination and to support their work of nation rebuilding. In July, it had released a set of ten principles which would guide a comprehensive review of all federal laws, policies and operational practices. The first of those principles was the right of indigenous peoples to self-determination.

76. Canada was also seeking to advance the rights of indigenous peoples globally through its support for the work of the Special Rapporteur and the Expert Mechanism, its leadership on indigenous issues within the Organization of American States and its membership in the Arctic Council, where it continued to promote a more strategic approach to Arctic sustainable development and environmental protection.

77. **Ms. Diedricks** (South Africa) said that the Constitution of South Africa was based on the fundamental principle of non-discrimination. Her Government was working to implement the rights recognized in the Declaration legislatively, through bills on traditional and Khoi-San leadership and on the protection, promotion, development and management of indigenous knowledge systems. It was also restoring cultural and religious sites, and it continued to give priority to the Permanent Forum's six mandated areas. Her delegation welcomed the adoption of General Assembly resolution 71/321 and looked forward to building on it through an inclusive and representative process.

78. **Mr. Grysa** (Observer for the Holy See) said that indigenous peoples should be treated as dignified partners, in application of the duty of States to consult with and seek the free, prior and informed consent of indigenous peoples in all matters concerning them. In practice, that meant upholding the right of indigenous peoples to their lands and resources, so that they had the political, economic and social space necessary to affirm their identity and become agents of their own development.

79. His delegation encouraged national policies that required consultations and the explicit consent of indigenous peoples before development, mining or other projects on their ancestral lands were approved. Moreover, it welcomed the development of guidelines and projects that respected indigenous identity. The participation of indigenous communities should be fostered at the local, regional and national levels.

80. During the recently concluded round of negotiations on ways to enhance the participation of indigenous peoples at the United Nations level, his delegation had welcomed the constructive engagement between States and between States and indigenous peoples. However, States must engage with indigenous peoples at the national and regional levels as well in order to reach a consensus, particularly with respect to the definition of "indigenous peoples".

81. **Mr. Hassani Nejad Pirkouhi** (Islamic Republic of Iran) said that colonialism, the common denominator of indigenous peoples, was a dark chapter in human history with a poisonous legacy. In 2017, even in some affluent parts of the world, indigenous communities were still living in marginalized and underprivileged conditions. Indigenous peoples were among those furthest behind and thus should be reached first. The system-wide action plan for ensuring a coherent approach to achieving the ends of the Declaration was an important step in the right

direction. However, it was a matter of concern that the special development needs of the many disadvantaged indigenous communities in the northern hemisphere were not being met in the absence of United Nations development offices.

82. With respect to the definition of "indigenous peoples", their legitimate interests would be best served by reserving that title for the people who has historically been recognized as such.

83. **Mr. Yaremenko** (Ukraine) said that his country recognized the Crimean Tatars as an indigenous people and guaranteed their inherent right to self-determination within sovereign independent Ukraine. However, in the Russian-occupied Crimean peninsula, Crimean Tatars suffered police brutality, arbitrary searches and arrests, torture and ill-treatment, unfair trials, politically motivated prosecution and incarceration, intimidation, and severe limitations on the freedoms of speech, religion, assembly and association. Two deputy chairmen of the Mejlis, Ahtem Chyigoz and Ilmi Umerov, had been sentenced to prison merely for defending the laws of their country. He drew attention to the provisional measures recently issued by the International Court of Justice, which, inter alia, ordered the Russian Federation to refrain from maintaining or imposing limitations on the ability of the Crimean Tatar community to conserve its representative institutions, including the Mejlis; as well as to the report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine).

The meeting rose at 1 p.m.

United Nations A/C.3/72/SR.17

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Chair: Mr. Gunnarsson ..... (Iceland)

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The meeting was called to order at 3.05 p.m.

Agenda item 69: Rights of indigenous peoples (*continued*)

(a) Rights of indigenous peoples (*continued*) (A/72/186)

(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (*continued*)

1. **Ms. Sandoval Espínola** (Paraguay) said that her country's rich indigenous heritage was central to its national identity. Paraguay had 19 indigenous ethnic groups and numerous indigenous languages, including Guarani, which shared official language status with Spanish and was widely spoken throughout the country. In that light, her delegation welcomed the International Year of Indigenous Languages and hoped that it would highlight the urgent need to preserve and protect indigenous languages, especially those in danger of extinction.

2. The Paraguayan Constitution recognized the pre-existence of the indigenous peoples and guaranteed their right to communal property and ethnic identity, as well as to participate in political life and to take decisions affecting their rights. Significant progress had been made on implementing indigenous rights in recent years, including enactment of an indigenous health law, gradual inclusion of indigenous families in the conditional cash transfer scheme and establishment of an indigenous housing construction programme.

3. Paraguay had been one of six countries selected by the secretariat of the Permanent Forum on Indigenous Issues to participate in a project to promote political dialogue between indigenous peoples, Governments and the United Nations system on the development of national action plans for indigenous peoples. It had already drawn up preliminary guidelines for public policies on the indigenous peoples and would be holding territorial consultations leading to a national action plan. Her Government knew that much more remained to be done and would continue to work alongside Paraguay's indigenous peoples to implement their rights and ensure the preservation of their culture, identity and traditions.

4. **Mr. Yao** Shaojun (China) said that countries with indigenous populations, especially developed countries, needed to find the political will to attain the Sustainable Development Goals related to indigenous peoples, to implement the United Nations Declaration on the Rights of Indigenous Peoples and to fulfil the commitments made at the World Conference on Indigenous Peoples. They should focus on achieving poverty reduction and economic development, ensuring equal access to land and basic public services, safeguarding human rights and fundamental freedoms and preserving traditional cultures, languages and ways of life. All actions with a bearing on the rights and interests of indigenous peoples should be taken in consultation with them and with their prior consent.

5. There was no international consensus on the definition of "indigenous people". Not all countries had indigenous people, and native residents should not be equated to indigenous persons. The specific arrangements for enhancing the participation of indigenous peoples in United Nations meetings should be in line with the purposes and principles of the Charter, respect the sovereignty, territorial integrity and political unity of Member States and maintain the intergovernmental nature of the United Nations. The consultations on them should be led by Member States and result in a consensus agreement acceptable to all. China would continue to engage with all parties and to play a positive role in the consultations.

6. **Mr. Poveda Brito** (Bolivarian Republic of Venezuela) said that, in his country, 12 October was Indigenous Resistance Day, in honour of the original people's historic struggle against the foreign colonists. The Venezuelan Constitution of 1999 recognized their social, political, economic and cultural rights, as well as their rights to an ethnic and cultural identity, to their own economic policies, to political participation and to the restoration of their ancestral lands. In the 10 years since its establishment, the Ministry of Indigenous Peoples had made significant progress towards its primary objective of eradicating extreme poverty in indigenous communities. The rights of indigenous peoples were protected by special laws, including laws on language, health, education, land boundaries, collective ownership of land, production communes, women's issues and human rights. They had been enacted with the participation of indigenous legislators and were based on the principle of free, prior and informed consent. More than ever before, the indigenous peoples were a part of the Venezuelan development process.

7. **Ms. Cantada** (Philippines) said that the rights and protection of her country's indigenous peoples were guaranteed under the Constitution and by law. The Indigenous Peoples' Rights Act of 1997 recognized, inter alia, their right to self-governance and self-determination and their right to ancestral lands; it also required their free, prior and informed consent to any projects affecting them. The Philippines

promoted indigenous participation in the development and implementation of relevant policies and programmes through a system of indigenous peoples mandatory representatives. In addition, the membership of the Bangsamoro Transition Commission, which was responsible for drafting the law establishing an autonomous region in Mindanao, had been broadened to include more indigenous persons.

8. The Philippines was implementing an indigenous peoples' education programme to provide culturally sensitive education, and it also operated a skills training programme especially for indigenous individuals. In addition, it had adopted culturally sensitive health programmes, such as a maternal, neonatal, child health and nutrition project in Mindanao which would eventually be extended to the country's other indigenous communities.

9. **Mr. Tituaña Matango** (Ecuador) said that his country had taken significant steps to implement the Declaration through its Constitution, its Criminal Code and its laws, including a citizen participation law, a lands and territories law and a law establishing the National Councils for Equality. The Constitution of 2008 recognized indigenous justice and the rights of the communities and peoples, including to right to maintain and nurture their identity, traditions and forms of social organization and the right not to be subject to racism or discrimination. Ecuador's intercultural round tables and its Agreement for Agriculture Round Table provided opportunities for intercultural dialogue and concertation. Lastly, he said that Ecuador commemorated the true meaning of 12 October by celebrating Plurinationalism and Interculturalism Day.

10. **Ms. Lobo Juarez** (Honduras) said that her country had taken a number of significant steps to honour the rights and legitimate, historical claims of indigenous and Afro-Honduran peoples. The most important had been the establishment of the Directorate of Indigenous and Afro-Honduran Peoples to promote their development interests. As a result of its efforts, the legislature had approved a public policy on combating racism and discrimination against indigenous and Afro-Honduran peoples, and a framework law on obtaining their free, prior and informed consent had been drafted in collaboration with representatives of those peoples, civil society, business and United Nations agencies. While much more needed to be done, Honduras was working steadily to promote a culture of respect for human rights based on dialogue with all sectors of society, and it paid special attention to the voices of historically marginalized groups such as the indigenous and Afro-Honduran peoples.

11. **Ms. Kovacs** (Food and Agriculture Organization of the United Nations (FAO)) said that FAO considered indigenous peoples to be fundamental allies. Their traditional knowledge, combined with new technologies, offered tremendous opportunities for humanity. It remained committed to respecting and promoting their rights, whose fulfilment was essential to the successful implementation of the 2030 Agenda.

12. The FAO workplan on indigenous peoples addressed the topics of indigenous food systems; voluntary guidelines on the governance of tenure; indicators for food security; free, prior and informed consent; advocacy and capacity development, and climate change and traditional knowledge. At the recommendation of the Permanent Forum on Indigenous Issues, it was also focusing on indigenous youth and indigenous women. In that context, it had organized a meeting in April with the Global Indigenous Youth Caucus, and it was finalizing a global campaign on indigenous women, building on the experience of FAO leadership schools for indigenous women in India, the Philippines, Peru and Bolivia.

13. **Mr. Cassidy** (International Labour Organization (ILO)) said that ratifying and implementing the Indigenous and Tribal Peoples Convention (No. 169) was an important step towards achieving the objectives of the Declaration. There was a need for more widespread recognition of indigenous peoples and for more attention to national mechanisms, procedures and institutions for their participation in decision-making. In developing and implementing national action plans, strategies or other measures for achieving the ends of the Declaration, States should address indigenous peoples' issues as an integral part of wider national policies and programmes.

14. ILO had been increasing its efforts to include indigenous peoples' issues across the decent work agenda, with a special focus on the rights of indigenous women. For instance, with the support of the Swedish International Development Cooperation Agency, it had been working in Bangladesh, Bolivia and Guatemala to strengthen national capacities and processes for ensuring indigenous women's right to decent work in a number of sectors, including construction, domestic work and the tea garden industry.

15. **Ms. Likina** (Russian Federation), speaking in exercise of the right of reply, said that the claims of the representative of Ukraine were unfounded. The Crimean Tatars had the same rights as all other Russians, and the international instruments to which the country was a party applied to the entire territory, including Crimea and Sevastopol. All rights violations

were thoroughly investigated and perpetrators were held to account. In 20 years of independence, Ukraine had done nothing to improve the situation of the Crimean Tatars, despite the numerous recommendations of international human rights bodies. Kiev's sudden interest in their rights was purely political.

16. The Russian Federation had already done much for all the peoples in Crimea, including rehabilitating repressed peoples, and it had given the Tatar language government language status. It had also taken steps to develop Tatar culture and education in concertation with the Crimean Tartars themselves.

17. **Mr. Yarmenko** (Ukraine), speaking in exercise of the right of reply, said that the Autonomous Republic of Crimea and the city of Sevastopol were an integral part of Ukraine, and it would never recognize its annexation by the Russian Federation. A Russian citizen had no authority to sign an accession agreement on behalf of a region of Ukraine.

18. There were daily reports of new cases of persecution of Crimean Tatars. On Wednesday, for example, houses in the city of Bakhchysarai had been searched without cause, six people had been illegally arrested, and at least nine activists present only to show their support had been arrested at the same time. Targeted searches of Muslim homes were clear examples of persecution on religious grounds.

The meeting rose at 3.40 p.m.